

HOUSE BILL NO. 1423

Introduced by

Representatives Muscha, Hunskor, K. Koppelman, Ruby

Senators Larsen, Mathern, Sitte, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota
2 Century Code, relating to a waiting period for divorce and to mandatory counseling.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 14-05 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Divorce proceeding - Waiting period - Mandatory counseling.**

- 7 1. In an action for divorce which includes the issue of parental rights and responsibilities,
8 as defined in section 14-09-00.1, and which does not include substantiated allegations
9 of domestic abuse, the court may not issue a final order for at least six months from
10 the date of the filing of the petition.
- 11 2. Within the six-month waiting period, the adult parties to the action shall participate
12 jointly or separately in at least five one-hour counseling sessions. The counseling,
13 which may be provided by a paid or volunteer counselor, clergy member, or any state-
14 certified or licensed marriage mediator or therapist, must include two sessions that
15 focus on postmarital financial planning and three sessions that focus on the effects of
16 divorce on children.
- 17 3. The court may not require both parents to attend the same counseling sessions at the
18 same time. Each party shall arrange for participation in the counseling sessions. The
19 parties are responsible for the fees or costs of the counseling session. The court may
20 assess the counseling fees or costs as the court deems equitable.
- 21 4. A final decree may not be granted or a final order may not be entered until each party
22 submits to the court certification of completion of the counseling.